

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA)
)
)
Plaintiff,)
)
)
vs.)
)
)
PAUL EVERETT CREAGER)
)
)
Defendant.)
)

Case No. 4:17-CR-00356-1-RWS

**MOTION OF THE UNITED STATES OF AMERICA
TO APPLY BOND PROCEEDS TO RESTITUTION BALANCE**

COMES NOW Plaintiff, the United States of America, by and through its attorneys, Jeffrey B. Jensen, United States Attorney for the Eastern District of Missouri, and Joshua M. Jones, Assistant United States Attorney, and for its Motion to Apply Bond Proceeds to Restitution Balance, states as follows:

1. In August 2017, Defendant Paul E. Creager (hereinafter, "Creager" or "Defendant") paid a \$1,000 bond as a condition of his pre-trial release. *See* Docs. #7, 14.
2. On May 18, 2018, this Court issued a criminal judgment against Defendant. *See* Doc. #58. As part of the Judgment, this Court ordered Defendant to pay \$724,021.14 in restitution. Upon entry of judgment, a lien arose in favor of the United States against all of Defendant's property and rights to property. *See* 18 U.S.C. § 3613(c). As of the date of this pleading, Defendant still owes \$724,024.14 in restitution.
3. Pursuant to 28 U.S.C. § 2044:

On motion of the United States attorney, the court shall order any money belonging to and deposited by or on behalf of the defendant with the court for the purposes of a criminal appearance bail bond (trial or appeal) to be held and paid over to the United States attorney to be applied to the payment of any assessment, fine, restitution, or penalty imposed upon the defendant. The court shall not release any money deposited for bond purposes after a plea or a verdict of the defendant's guilt has been entered and before sentencing except upon a showing that an assessment, fine, restitution or penalty cannot be imposed for the offense the defendant committed or that the defendant would suffer an undue hardship. This section shall not apply to any third party surety.

4. Pursuant to section 2044, the United States requests this Court issue an order applying the bond paid by Defendant towards his outstanding criminal restitution balance.

WHEREFORE, the United States prays this Court issue an order applying any and all funds paid by Defendant as a bond for his pre-trial release be applied towards Defendant's outstanding criminal restitution balance.

Respectfully submitted,

JEFFREY B. JENSEN
United States Attorney

/s/ Joshua M. Jones
JOSHUA M. JONES #61988 MO
Assistant United States Attorney
Thomas F. Eagleton U.S. Courthouse
111 South Tenth Street, 20th Floor
St. Louis, Missouri 63102
(314) 539-2310
(314) 539-2287 fax
joshua.m.jones@usdoj.gov

Certificate of Service

The undersigned hereby certifies that on October 11, 2018, the foregoing was filed electronically via the Court's CM/ECF system, and therefore served on all parties of record. Further, the undersigned certifies that a true and accurate copy of the foregoing was sent via U.S. mail, postage prepaid, on October 11, 2018, to the following:

Paul Everett Creager
2115 Oak Crest Manor Lane
Ballwin, MO 63011

/s/ Joshua M. Jones
Assistant United States Attorney